



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,382	01/04/2002	Joseph Claude Caci	12078-129	6806

26486 7590 10/06/2003
PERKINS, SMITH & COHEN LLP
ONE BEACON STREET
30TH FLOOR
BOSTON, MA 02108

EXAMINER	
KYLE, MICHAEL J	
ART UNIT	PAPER NUMBER
3676	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/037,382	CACI ET AL.
	Examiner Michael J Kyle	Art Unit 3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9, 11, 13, 15-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Petravich et al (U.S. Patent No. 6,101,483). Petravich et al discloses a portable 2-way secure purchasing aid logistics appliance (40), comprising means for inputting information (column 4, lines 55-61), a central processor coupled to said means for inputting information to generate a shopping list (column 5, line 37), wherein said central processor includes application software to maintain a budget and to perform finance computations (“pay for purchases”, column 5, line 43). Petravich et al also discloses means for securing memory coupled to said central processor to safeguard personal and financial information (column 4, lines 19-22 and 55-61), means for outputting said shopping list (column 12, lines 49-57), and said personal and said financial information, and a display (72) to view said shopping list.

3. With respect to claim 2, Petravich et al discloses the means for inputting information can be a radio receiver (transceiver or radiophone), said radio receiver receives signals from a radio transmitter coupled to a merchant computer, whereby the merchant computer transmits product information in response to a signal by said purchasing aid logistics appliance for product information.

Art Unit: 3676

4. With respect to claim 3, Petravich et al discloses the means for inputting information is an internet port, said internet port is connectable to a personal computer (32) linked to a merchant web site (16), whereby the merchant web site downloads product information to said internet port in response to a signal by the personal computer for product information.

5. With respect to claim 4, Petravich et al discloses the means for inputting information is a bar code scanner, whereby said bar code scanner (column 4, line 57) scans print media bar codes having product information and generates bar code signals to said central processor for further processing.

6. With respect to claim 5, Petravich et al discloses the central processor compares said shopping list to said bar code signals to determine whether product is a new product to add to said shopping list or an existing product (column 10, lines 1-18), whereby said central processor tracks the total cost of products scanned, the remaining products to be scanned, and the available funds remaining in the budget.

7. With respect to claim 9, Petravich et al discloses inputting credit or debit card information with a magnetic strip reader (column 5, line 61).

8. With respect to claim 11, Petravich et al discloses the central processor transmits a first signal to said means for outputting, whereby said means for outputting transmits said first signal to a merchant computer (56 linked to 16).

9. With respect to claim 13, Petravich et al discloses a shopping list being output to a merchant computer first (column 12, lines 53-56).

10. With respect to claim 15, Petravich et al discloses the means for outputting includes a radio transmitter (radiophone).

Art Unit: 3676

11. With respect to claim 16, Petravich et al discloses the means for outputting controls signal strength to communicate with a merchant sales register to minimize the possibility of transmission interception (column 4, lines 20-22).

12. With respect to claim 18, Petravich et al discloses a method for using a purchasing aid logistics appliance (40) comprising downloading product data from a web site or bar coded advertisement, creating a shopping list from said product data, transmitting said shopping list to a merchant computer upon entry into a merchant facility (24 linked to 16), receiving product data from said merchant computer upon entry into said merchant facility, scanning a product bar code when a product is removed from the shelf and placed in a shopping cart for purchase (column 12, lines 35-36), creating a shopping cart file when said product is scanned, and transmitting said shopping cart file to said merchant computer to checkout.

13. With respect to claims 19 and 20, Petravich et al discloses a purchasing aid logistics appliance (40) comprising means for creating a shopping list outside a merchant facility (32, 16), means for storing said shopping list and user personal information (16, 40), means for automatically uploading said shopping list to a merchant computer upon entry into said merchant facility (24) and means for two-way data and voice communication (column 12, lines 9-27) with said merchant computer. Petravich et al also discloses means for displaying said shopping list (72), means for optically inputting product information data (bar code reader), means for electronic payment (column 5, lines 55-63), and means for calculating total price of items selected. The examiner asserts that the check out terminal (56) can calculate the total price. The means for storing is secure.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petravich et al. Petravich et al does not specifically disclose that credit and debit card information along a personal identification number are the first signal sent to a merchant computer. Official Notice is taken that credit and debit information may be first sent to a merchant computer, followed by a list of products that are to be charged to the credit or debit card. It would have been obvious to one having ordinary skill in the art at the time the invention was made to submit credit or debit card information before a product list.

16. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petravich et al in view of WO 01/20526 (WO '526). Petravich fails to disclose inputting information with a keypad. It is well known in the art to use a keypad to enter information, as taught by WO '526. In addition, keypads are commonly used to input information when bar code readers or magnetic card readers fail. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to input information in Petravich et al by using a keypad, as shown by WO'526.

17. Claims 6, 7, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petravich et al in view of Ogasawara (U.S. Patent No. 6,123,259). Petravich fails to disclose the central processor to include software to convert bar code signals into a web page to be displayed

on the display or that the software includes HTML, JAVA and WAP decode tables. Petrvach et al also fails to disclose a smart card reader and a smart card storing a user personal identification number.

18. Ogasawara teaches a portable device with a processor that includes software to convert bar code signals to control the display (column 5, lines 1-8). Using bar code signal to control display gives the user an updated display of transactions. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Petrvach et al as taught by Ogasawara such that the bar code signal control the display, so the user has a visual record of updated transactions. Official Notice is taken that many displays are created using HTML, JAVA, or WAP code that has been decoded. It is also well known to have a parser with a modifying table to construct frame software, and a display browser. Therefore it would have obvious to one of ordinary skill in the art at the time the invention was made to implement an HTML, JAVA, or WAP decoder to update and control the visual display.

19. Ogasawara teaches a portable shopping device that interfaces with a smart card. The smart card contains pertinent user data. By using a smart card, the user data is secured access to personal information is limited. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Petrvach et al as taught by Ogasawara in order to limit access to personal information.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to

Art Unit: 3676

portable shopping assist devices: Ruppert et al, Green et al, Swartz et al, Scroggie et al, Hudda et al, and Hershtik.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

23. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk



Anthony Knight
Supervisory Patent Examiner
Technology Center 3600